

Remarks/Arguments

Claims 1, 16, 20, 24 and 25 have been amended. Claim 15 has been canceled.

The Examiner has indicated that claims 5 and 12-16 would be allowable if placed in independent form including all of the limitations of the base claim and any intervening claims. Applicant has amended independent claim 1 to include the features of dependent claim 15. Claim 1, as amended, thus represents claim 15 rewritten in independent form and is thus allowable. Claims 2-14 and 16-19 all depend ultimately from amended claim 1 and thus are also believed to be allowable.

As to the remaining claims, i.e., claims 20-25, the Examiner has rejected these claims under 35 USC 102(b) as anticipated by the Nakamura patent. With respect to applicant's claims, as amended, this rejection is respectfully traversed.

Applicant's independent claim 20 has been amended to better define applicant's invention. More particularly, amended claim 20 recites an apparatus adapted for a focus adjusting system and a driving device which drives the focus adjusting system from one of a state in which a near-distance object is in focus and a state in which a far-distance object is in focus to the other. Amended claim 20 now further recites a control device which restrains the focus adjusting system from being driven in a same direction if the focus adjusting system has been consecutively driven in the same direction, before determining whether a focusing direction of the focus adjusting system is the same or not more than a predetermined number of time while causing the driving device to drive the focusing adjusting system. Applicant's method and computer program product claims 24 and 25 have been similarly amended. Such constructions are not taught or suggested by the cited art of record.

The Examiner has argued as follows with respect to the Nakamura patent:

"Nakamura teaches that focusing evaluation values are sampled 8 times (col. 5, lines 45+). This determines if focusing is approaching the in-focus point, has exceeded the in-focus point, or if the focusing is unattainable (referred to the degree of reliability of variation of the focusing evaluation values, col. 6, lines 30-65). Nakamura teaches that if the reliability of focusing evaluation is low after sampling 8 times (meaning a determination cannot be made as shown in fig. 3B), the focusing control stops adjusting system from being driven."

While applicant may not agree entirely with the Examiner's above interpretation of the Nakamura patent, it is evident that the patent does not teach or suggest restraining the focus adjusting system from being driven in the same direction if the focus adjusting system has been consecutively driven in the same direction. Nor does the patent teach or suggest that such restraining occur before determining whether a focusing direction of the focus adjusting system is the same or not more than a predetermined number of time.

This is made clear from the fact that in the Nakamura patent "DATA" is compared with "PREDETERMINED VALUE" in step S005 of FIG. 4. DATA, however, is described as a focusing variation value R (step S004), and the focusing variation value R means the residual sum of the squares r (see, column 6, lines 15-34). Moreover, the Nakamura patent teaches that if the sampled focusing variation R exceeds the "PREDETERMINED VALUE" focusing is temporarily stopped (step S201). (see, column 6, lines 57-63 and column 7, lines 21-28).

Therefore, applicant's amended claims 20, 24 and 25, and their respective dependent claims, all of which recite, in one form or another, restraining the focus adjusting system from being driven in a same direction if the focus adjusting system has been consecutively driven in the same direction, before determining whether a focusing direction of the focus adjusting

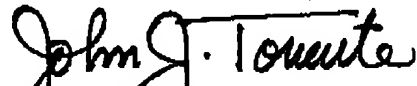
system is the same or not more than a predetermined number of time, patentably distinguish over the Nakamura patent.

In view of the above, it is submitted that applicant's claims 1-14 and 16-19, as amended, are allowable and that applicant's claims 20-25, as amended, patentably distinguish over the cited art of record. Accordingly, reconsideration of the claims is respectfully requested.

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COWAN, LIEBOWITZ & LATMAN
1133 Avenue of the Americas
New York, New York 10036
Tel. (212) 790-9273

Respectfully submitted,


John J. Torrente
Reg. No. 26,359
An Attorney of Record